

McGREGOR W. SCOTT
United States Attorney
MARIANNE PANSA
Assistant United States Attorney
1130 "O" Street, Room 3654
Fresno, California 93721

Telephone: (559) 498-7272
Attorneys for Respondents

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PORFORIO MORENO MUNOZ)

Petitioner,)

vs.)

UNITED STATES OF AMERICA)

Respondent.)

No. CR-F-02-5422 REC

**STIPULATION AND
[PROPOSED] ORDER REGARDING
BRIEFING SCHEDULE**

The petitioner has collaterally attacked his conviction for 8 USC § 1326 on the basis that he is a United States citizen. On April 28, 2005, the parties stipulated that the petitioner would submit his application for naturalization (Form N-600) to the Citizenship and Immigration Services (CIS) of the Department of Homeland Security. On July 1, 2005, the parties stipulated that respondent would submit a response to the petitioner's supplemental brief on November 1, 2005 once the application was adjudicated. It was anticipated that the naturalization application would be adjudicated by the middle of October 2005.

After reviewing the application and the additional information submitted by the petitioner, CIS has requested that the petitioner provide more information before a decision can be rendered. It is anticipated that the application will be adjudicated by the beginning of January if no further delays are present. Because the adjudication of the N-600 may impact the outcome of these

1 proceedings, the parties stipulate that the respondent will submit a response to the petitioner's
2 supplemental brief after the adjudication of the N-600 application by January 20, 2006.
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5 Respectfully Submitted,
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7 Dated : October 28, 2005

/s/ Marianne Pansa
McGREGOR W. SCOTT
United States Attorney
by: MARIANNE A. PANSA
Assistant United States Attorney

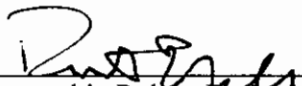
11 Attorney for the Respondents

12 Dated : October 28, 2005

/s/ Carolyn Phillips (consent given to sign)
CAROLYN D. PHILLIPS
Attorney at Law
Attorney for Petitioner Moreno-Munoz

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20 IT IS SO ORDERED.
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24 Dated : Nov. 4, 05



Honorable Robert M. Coyle
Senior United States District Judge